R.R. No. 2733/06
Presented by Shri M.K. Bhardwaj
dated 27.05.06

(3)

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: C.G.
W.P.NO. 2690 OF 2006

WRIT PETITION UNDER ARTICLE 226 & 227
CONSTITUTION OF INDIA

Petitioner : Mahattam Das Kurre S/o Late Shri Budhram Kurre, aged about 57 years, Patwari,Nawagarh, R/o Nawagarh, District Durg(C.G.)

Vs.

Respondents : 1) State of C.G.
Through- Secretary, Revenue Department, Raipur

2) Collector, Land Record Branch, Durg, District Durg

3) Tahsildar, Nawagarh, District Durg

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(20)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE SHRI SATISH K. AGNIHOTRI, VACATION JUDGE

WRIT PETITION NO.2690 OF 2006

Petitioner : Mahattam Das Kurre

versus

Respondents : State of C.G. and others

Present : Mr. Malay Kumar Bhaduri, counsel for the petitioner,
Mr. Yashwant Singh Thakur, Government Advocate for the respondents.

ORAL ORDER

(Passed on 5th June, 2006)

The petitioner challenges transfer order dated 31-7-2004, Annexure P-1 and relieving order dated 17-4-2006, Annexure P-2, whereby the petitioner was transferred and relieved from Patwari Halka No.20, Nawagarh to Patwari Halka No.4, Saja. Learned counsel appearing for the petitioner submits that the impugned transfer order was passed on 31-7-2004 and the petitioner was allowed to continue as Patwari in Patwari Halka No.20, Nawagarh for more than one year and the relieving order was passed on 17-4-2006. As such, it is a case of *mala fide* exercise of power.

2. Having heard learned counsel appearing for the petitioner and having gone through the documents appended to the writ petition, the case of *mala fide* is not made out, particularly in the fact when the petitioner was allowed to continue at the original place of posting for more than one year before relieving order was passed. The petitioner alone was not transferred by the impugned transfer order and not relieved by relieving order dated 17-4-2006. It is well established principle of law that transfer is an incident of service and this is for the employer to post the employee at a particular place in the public interest and in administrative convenience. No other allegation has been made.

3. In view of the foregoing, no case has been made out for interference by this Court. Accordingly, the petition is dismissed summarily. Consequently, M.(W.)P.No.2032/2006, I.A.No.5304/2006 and I.A.No.5305/2006 stand disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Vacation Judge

Gopal